

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Quincy Jovan Allen,	)	Civil Action No. 1:10-cv-2605-RMG
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
Darryl McGhee,	)	
	)	
Defendant.	)	
	)	
	)	

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Before the Court is Plaintiff's motion to dismiss this matter. (Dkt. No. 60). Plaintiff states that he has a vision problem and would like to wait until his vision is restored to prosecute his claim. (*Id.*) The Defendant does not oppose the motion. (Dkt. No. 61). The Magistrate Judge has recommending granting Plaintiff's motion. (Dkt. No. 62).

Having reviewed this matter *de novo*, this Court agrees with the Magistrate Judge's recommendation and adopts it as the Order of this Court. Here, Defendant does not appear to have expended great efforts or expense preparing for trial, as discovery is not yet complete and no dispositive motions have been prepared. Additionally, Defendant does not oppose the motion to dismiss. Plaintiff has not demonstrated a lack of diligence in this matter, as he has thus far ably litigated the case.

Plaintiff's disability, which he describes as "of a limited duration," is a reasonable explanation for requesting dismissal. Finally, the case is still in the early stage of litigation, as no summary judgment motions are pending.

Based on the above and the Record, this case is dismissed without prejudice and the case closed. All other pending items in this case are rendered moot by this order.

**AND IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'RM Gergel', written over a horizontal line.

Richard Mark Gergel  
United States District Court Judge

March 29, 2011  
Charleston, South Carolina